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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 3.20 p.m.

Agenda item 152: Report of the Committee on Relations with the Host Country (A/53/26; A/C.6/53/L.13)

1. **Ms. Zackheos** (Cyprus), speaking in his capacity as Chairman of the Committee on Relations with the Host Country, introduced the report prepared by the Committee pursuant to General Assembly resolution 52/159 of 15 December 1997 (A/53/26), which contained the Committee's recommendations, including one on increasing the Committee's membership by four. The Committee was an important body, since it was responsible for solving the problems encountered by delegations in the host country through a frank and constructive exchange of views and through cooperation by all sides; however, it was also one of a kind, since it was the only body in the United Nations system responsible for such questions and for reporting thereon to the General Assembly. He stressed that all countries could participate in its work as members or observers and no member had the right of veto. He expressed his sincere appreciation to the members of the Committee, to the Host Country Affairs Section of the United States Mission, to the New York City Commission for the United Nations, Consular Corps and International Business, to the observers who had participated in the Committee's formal and informal meetings and to the Secretariat for their support and assistance.

2. **Ms. Sucharipa** (Austria), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Lithuania, Poland, Romania, Slovakia and Slovenia and, in addition, Iceland and Liechtenstein, said that the Committee on Relations with the Host Country had an important role to play in fostering a good relationship among the United Nations, Member States and the host country; by solving the practical problems confronting the diplomatic community in accordance with the relevant legal instruments, it contributed to the smooth functioning of the United Nations in New York.

3. While it took note of the understandable wish to increase the Committee's membership in view of the increase in the number of Member States of the Organization, the European Union believed that the Committee as currently constituted had discharged its functions efficiently, and that its expansion might affect the efficiency of its functioning and the rationality of its work. The European Union nevertheless supported the recommendation to increase the Committee's membership to 19 by giving one additional seat each to the Groups of African, Asian, Latin American and Caribbean and Eastern European States, as recommended in paragraph 50 of the Committee's report (A/53/26).

4. The Committee discussed another problem in its report, namely, the financial indebtedness of certain missions and diplomats, which tarnished the image of the entire diplomatic community. The Working Group on Indebtedness was to be commended for its excellent work, which had resulted in a substantial decrease in the amounts owed in 1996 and 1997. A suitably qualified successor to its Chairman, Mr. Christov (Bulgaria), must be found in order to deal with the renewed increase in unpaid debts which had occurred at the end of 1997.

5. The European Union welcomed the Committee's organization of a health insurance fair in close cooperation with the host country delegation. It also noted with satisfaction the host country mission's efforts to resolve the issue of transportation, particularly the parking of diplomatic vehicles, which had been a prominent issue in 1997. It was to be hoped that sufficient parking space would be made available to ensure the smooth functioning of missions.

6. The European Union was grateful to the Committee and its Chairman for the work which they had done and supported all the Committee's recommendations and conclusions as in paragraph 50 of its report.

7. **Mr. Yahaya** (Malaysia) said that his delegation remained convinced of the importance of the Committee's work for maintaining the dialogue, based on mutual respect, which must exist between the host country and the diplomatic community, in accordance with the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. In that connection, his delegation was concerned at the travel restrictions imposed by the host country on the staff of certain missions, which, in its view, impinged on their right of those concerned to freedom of movement and also impeded the smooth functioning of the affected missions and ran counter to the host country's obligations under international law. He recalled that the General Assembly, in its resolution 52/159 of 15 December 1997, had urged the host country to lift those restrictions, but to no avail. The growing refusal of New York apartment owners to accept members of the diplomatic community as tenants, as a result of the irresponsible behaviour of some diplomats, was also cause for concern. The Committee on Relations with the Host Country should recommend ways and means of combating that new form of discrimination and look into

possible solutions that were mutually satisfactory to the diplomatic community and apartment owners.

8. In its resolution 52/159, the General Assembly had also requested the host country to solve the problem of transportation, particularly the problem of the parking of diplomatic vehicles, in consultation with the Committee. However, the Working Group responsible for that matter had not met in 1998. His delegation strongly believed that the problem could not be solved without the participation of the diplomatic community and that any new measures by the city authorities should take full account of the concerns and needs of missions and be consistent with the provisions of the Vienna Convention on Diplomatic Relations, which required receiving States to accord full facilities for the performance of the functions of diplomatic missions.

9. His delegation welcomed the Committee's initiative of organizing a health insurance fair, which had provided delegations with an opportunity to meet the representatives of five insurance providers that could offer them health care at a more competitive rate. Also on the topic of insurance, his delegation suggested that the Committee discuss with the host country the possibility of a revision in automobile insurance rates for diplomatic vehicles.

10. Drawing attention to article 34 of the Vienna Convention on Diplomatic Relations, which exempted diplomats from all dues and taxes imposed by the receiving country, he noted with regret that some commercial establishments still required diplomats to pay the taxes even though they had produced their tax exemption cards. To prevent the recurrence of such incidents, information should be disseminated to commercial establishments in New York, where there was little understanding of that type of exemption. The same was true of driver's licences issued by the United States Department of State; the fact that they were not widely recognized meant that some establishments in New York did not accept cheques issued by diplomats. The Committee should deal with that problem with a view to ensuring that the special driver's licence had the same official status as driver's licences issued by the different states in the host country.

11. With regard to the membership and composition of the Committee, he welcomed and endorsed the Committee's recommendation that the membership should be increased to 19, granting an additional seat to four of the five major regional groups, and was firmly convinced that it took into account the principle of equitable geographical representation. In conclusion, he said that his delegation looked forward to participating further in the Committee's work.

12. **Mr. Zmeevsky** (Russian Federation) said that his delegation attached a great deal of importance to the work of the Committee on Relations with the Host Country. It fully supported the efforts being made to increase the Committee's effectiveness and find a solution to the practical problems of the diplomatic corps, and it endorsed the Committee's recommendation to increase its membership by four countries. His delegation was aware of the actions taken by the host country to ensure good working conditions for the United Nations and its permanent missions. However, a number of long-standing problems had not yet been solved.

13. The restrictions on movements of staff members of some permanent missions, in contravention of international law, had not yet been lifted. The host country continued to state that such a selective measure was necessary to protect its national security, which was difficult to believe, since businessmen and even tourists from the countries concerned could move about relatively freely, and only the staff members of diplomatic missions and members of their families seemed to represent a threat. The entire diplomatic community would welcome an appropriate reaction on the part of the authorities concerned, based on respect for international law and common sense.

14. The tension caused by the events of 1997 which had been called the "parking war" between the city of New York and the diplomatic corps seemed to have diminished. The diplomatic community had taken a constructive attitude, and some missions, including that of the Russian Federation, had taken costly measures, such as the rental of garage space, with a view to respecting local regulations. Unfortunately, city officials had not displayed the same attitude, and they continued to discriminate against diplomatic vehicles. Local police continued to hand out tickets unfairly, while at the same time overlooking local vehicles parked in spaces reserved for diplomatic vehicles.

15. It should also be noted that there was already a solid basis for a reasonable solution. Several delegations, including his own, had made a number of constructive proposals at the meetings of the working group on the use of diplomatic motor vehicles and parking. Unfortunately, city officials were unwilling to consider those proposals, and the federal authorities did not seem to want to intervene. He hoped that the Committee would attach increasing importance to those questions in future and that the federal authorities and the Permanent Mission of the United States of America to the United Nations would try to find a solution to the problem.

16. It was also important for the Committee to continue its consideration of such important matters as the

indebtedness of members of the diplomatic corps, health insurance and medical care. His delegation was concerned that diplomats were still finding it difficult to be granted sales tax exemption outside New York and Washington, D.C. Moreover, one State had also decided to impose local income taxes retroactively on some Russian diplomats.

17. His delegation understood the circumstances that had forced the host country to heighten security measures during the fifty-third session of the United Nations General Assembly. However, that did not explain why their enforcement had to hamper the activities of permanent missions, especially that of the Russian Federation, and his delegation had therefore addressed a letter to the Committee on Relations with the Host Country (A/AC.154/320).

18. His delegation supported the Committee's recommendations and conclusions and trusted they would be implemented quickly. It hoped that draft resolution A/C.6/53/L.13 would be adopted by consensus.

19. **Mr. Qu Wensheng** (China) welcomed the fact that the Committee on Relations with the Host Country had considered the question of its composition transparently, and he supported the Committee's recommendation to increase its membership by four.

20. In recent years, the host country had tried to offer more facilities to the diplomatic community. However, some problems persisted, including the restrictions imposed on the movements of the members of some permanent missions, which China felt should be eliminated as soon as possible.

21. **Mr. Obeid** (Syrian Arab Republic) fully endorsed the recommendations contained in paragraph 50 of the report of the Committee on Relations with the Host Country and felt that it represented progress towards an enlargement of the Committee in line with the composition of the United Nations and the principle of equitable geographic distribution.

22. The Committee should focus its work on issues of particular interest to the diplomatic community in New York, including medical insurance, the indebtedness of members of the community and the parking of diplomatic vehicles. In that regard, the behaviour of the local police was unacceptable, being characterized by flagrant discrimination against diplomats, who were being given parking tickets unfairly.

23. His delegation also hoped that the restrictions on the movements of members of some diplomatic missions would soon be lifted. The strengthening of mutual understanding between the diplomatic corps and the host country would enable them to carry out their duties more successfully in New York. His delegation endorsed draft resolution A/C.6/53/L.13.

24. **Ms. Willson** (United States of America) thanked the delegations for their practical, constructive proposals and noted that the significant presence of the diplomatic community in New York entailed obligations under international law. The Committee on Relations with the Host Country was an extremely useful forum for discussing all issues relating to the presence of the diplomatic corps in a city as large and diverse as New York. The meetings of the Committee and its working groups enabled the host country to understand and evaluate the needs of the members of the international community and to deal with them in a spirit of cooperation. She also welcomed the growing participation of many observer delegations, which had made it possible to make the Committee's deliberations accessible to all and had contributed to transparence. However, in her delegation's view, the Committee's limited membership was in large part responsible for its ability to take quick decisions and its effectiveness; it was the only committee of its type that reported directly to the General Assembly. Her delegation, unlike other delegations, was not in favour of increasing the membership of the Committee and would have preferred that its composition had been modified on the basis of a voluntary rotation of its members. Nevertheless, in order to show its flexibility, her delegation had decided to join the consensus in favour of the recommendation, and it hoped that the decision would at least have the merit of contributing new views to the Committee's deliberations.

25. Concerning the parking issue, the host country's efforts were mentioned in paragraph 50 of the Committee's report to the General Assembly. The United States would continue to make every effort to resolve that problem.

26. The previous speaker had implied that the restrictions placed on the movements of certain diplomats violated the rules of international law. The host country's obligations under the Headquarters agreement were clear: it was required to give members of the diplomatic community free access to the Headquarters area, but it was not required to do so in respect of other parts of the country, save in the context of official functions.

Draft resolution A/C.6/53/L.13

27. **Mr. Moushoutas** (Cyprus), speaking on behalf of Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, France, Honduras, Malaysia, Senegal, Spain, the United Kingdom and his own country, introduced draft resolution A/C.6/53/L.13 concerning the report of the Committee on Relations with the Host Country, saying that, essentially, it

followed the structure of the latter's recommendations and conclusions. After reading the text out loud, he expressed the hope that the Committee would adopt it without a vote.

28. **Ms. Cueto-Milian** (Cuba) welcomed the efforts made by the Chairman and members of the Committee and the spirit of collaboration that had prevailed throughout the discussions. The Committee's task was to consider issues that were important to all Member States and the diplomatic community.

29. Her delegation believed that the host country's participation in the Committee's deliberations and decisions was essential. It supported the draft resolution, particularly the paragraph concerning the admission of four new members, to be chosen by the President of the General Assembly, in accordance with resolution 2819 (XXVI) of 15 December 1971, in consultation with the regional groups. Her delegation considered that a positive step and part of the reform and democratization of the United Nations. It hoped that the consultation process would begin shortly and that it would reflect the decisions of each regional group.

30. **The Chairman** said that, unless he heard any objection, he would take it that the Committee wished to adopt draft resolution A/C.5/53/L.13 without a vote.

31. *It was so decided.*

32. **The Chairman** announced that the Committee had thus completed its consideration of agenda item 152.

Agenda item 149: United Nations Decade of International Law (*continued*)

(b) Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (*continued*) (A/C.6/53/L.12)

33. **Mr. Zmeevsky** (Russian Federation) said that since 13 November when he had submitted draft resolution A/C.6/53/L.12, the sponsors — the Netherlands, Ukraine and the Russian Federation — had accepted the following amendments. In the sixth preambular paragraph the comma after the words "The Hague" should be replaced by the words "in 1997 and", and the preposition "in" before the words "New York" should be deleted. In the tenth preambular paragraph of the English text, the words "conclusions of" should be replaced by the words "outcome of the". In paragraph 3 the words "States" in the first line should be deleted, the words "within the context of their competence" should be inserted in the third line after the word "Secretariat" and the words "if necessary" should be added at the end of the paragraph. In paragraph 3 (b) of the English text the word "first" should be inserted before the word "international" in the last line. In paragraph 4 the words "the conclusion" should be replaced by the words "the results". Finally, in paragraph 7, the words in parentheses at the end of the paragraph should be deleted.

34. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.6/53/L.12, as orally amended, without a vote.

35. *It was so decided.*

(c) Draft guiding principles for international negotiations (*continued*) (A/C.6/53/L.13)

36. **The Chairman** recalled that draft resolution A/C.6/53/L.14 had been introduced at the previous meeting by the Chairman of the working group on the United Nations Decade of International Law.

37. **Ms. Cueto-Milian** (Cuba), referring to the Spanish text, said that the sixth preambular paragraph, which had been inserted at the proposal of her delegation, corresponded neither to the text proposed nor to the English text. The paragraph should be brought into line with the English text. As to the substance, her delegation interpreted paragraph 1 (e) as covering not only to the threat or use of force but also, implicitly, any other form of pressure or coercion.

38. **Mr. Hamdan** (Lebanon) said that his delegation, like the Cuban delegation, considered that paragraph 1(e) referred to any measure of constraint that was contrary to international law.

39. **The Chairman** said that he took it that the Committee wished to adopt draft resolution A/C.6/53/L.14 without a vote.

40. *It was so decided.*

41. **Ms. Dickson** (United Kingdom), supported by Mr. Seam (France), Mr. Nyman (Sweden), Ms. Willson (United States), Mr. Kawamura (Japan) and Mr. Steains (Australia), said that in the view of her delegation the principles set forth in the draft resolution just adopted were not applicable to all international negotiations, and that other principles which were not set forth in the draft resolution could also be applied. The list contained in the draft resolution was not exhaustive.

42. **The Chairman** said that the Committee had thus completed its consideration of agenda item 149.

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts (*continued*)
(A/C.6/53/L.17)

43. **Mr. Nyman** (Sweden), introducing draft resolution A/C.6/53/L.17, said that the intention of the sponsors, who had been joined by Chile, was to emphasize the importance of humanitarian law, to make it more effective and to promote wider acceptance of the protocols additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts. The text was very similar to the text of the resolution adopted on the same subject in 1996, but it took into account certain new developments, such as the adoption of the Rome Statute of the International Criminal Court.

The meeting rose at 4.55 p.m.